

REMARKS

In an Office Action mailed on June 3, 2003, claims 10, 15-23, 27 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of the Advanced Television Enhancement Form specification (hereinafter called the "ATVEF specification"); claims 1-7, 11-14, 24, 25 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Freeman and the ATVEF specification; and claims 8, 9 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews in view of Smith and further in view of the ATVEF specification. These rejections are addressed below

Independent claim 1 recites receiving one or more special indications at a first location indicating that enhancement data is available on a special delivery mechanism, and claim 1 recites that the one or more special indications identify locations of the announcements that are associated with the multiple television channels.

In the latest § 103 rejection of independent claim 1, the Examiner adds the ATVEF specification to the rejection. In support of combining the ATVEF specification with Matthews and Freeman, the Examiner cites language from the introduction of the ATVEF specification. However, Applicant submits that the Examiner has not shown a proper motivation for the combination of the ATVEF specification with Matthews and Freeman.

More particularly, as amended, the method of claim 1 recites receiving one or more special indications that identify locations of the announcements that are associated with the multiple television channels. In contrast, the ATVEF specification teaches announcements and states that only one announcement at a time is active. Thus, the ATVEF specification does not contemplate and, in fact, teaches away from such special indications, as the ATVEF specification discloses handling the active announcements, not storing announcements at locations indicated by special indications.

Therefore, contrary to the Office Action, the ATVEF specification does not provide the suggestion or motivation for the combination of references, as the combination of references proposed by the Examiner's rejection would destroy the principal of operation as set forth in the

ATVEF specification. Therefore, for at least this reason, a *prima facie* case of obviousness has not been set forth for independent claim 1.

Claims 2-7, 24 and 25 are patentable for at least the reason that these claims depend from an allowable claim.

For similar reasons, the Examiner has not shown a proper reason to combine the ATVEF specification with other references in the rejections of independent claims 8, 10, 11 and 15. In this manner, claim 8 recites a device that is adapted to receive a special announcement indicating availability of announcement data, claim 10 recites a predetermined indication that identifies a location of an ancillary information stream, claim 11 recites a predetermined indication that identifies a location of one or more announcements, and claim 15 recites special indicators that includes data that identifies locations of one or more enhancements. More particularly, the ATVEF provides no suggestion or motivation to solve a problem presented by more than one active announcement. Therefore, for at least this reason, a *prima facie* case of obviousness has not been established for these independent claims.

Claims 9, 12-14, 16-18 and 26-29 are patentable for at least the reason that these claims depend from allowable claims.



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CONCLUSION

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In view of the foregoing, withdrawal of the § 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0208US).

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